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HOUSE BILL 44

48TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2008

INTRODUCED BY

Roberto "Bobby" J. Gonzales

AN ACT

RELATING TO EXPENDITURE OF PUBLIC MONEY; REAUTHORIZING OR
REAPPROPRIATING BALANCES, EXPANDING OR CHANGING PURPOSES,
EXTENDING EXPENDITURE PERIODS, CHANGING AGENCIES AND
ESTABLISHING CONDITIONS FOR THE REVERSION OF UNEXPENDED
BALANCES OF CAPITAL OUTLAY PROJECTS APPROVED BY THE LEGISLATURE
IN PRIOR YEARS; DECLARING AN EMERGENCY.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. SEVERANCE TAX BONDS--REVERSION OF UNEXPENDED
PROCEEDS.--

A. Except as otherwise provided in another section
of this act, the unexpended balance from the proceeds of
severance tax bonds issued for a project that has been
reauthorized in this act shall revert to the severance tax
bonding fund as follows:

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1 (1) for projects for which severance tax bonds
2 were issued to match federal grants, six months after
3 completion of the projects;

4 (2) for projects for which severance tax bonds
5 were issued to purchase vehicles, including emergency vehicles
6 and other vehicles that require special equipment; heavy
7 equipment; educational technology; or other equipment or
8 furniture that is not related to a more inclusive construction
9 or renovation project, at the end of the fiscal year two years
10 following the fiscal year in which the severance tax bonds were
11 issued for the purchase; and

12 (3) for all other projects for which severance
13 tax bonds were issued, within six months of completion of the
14 project, but no later than the end of fiscal year 2012.

15 B. For the purpose of this section, "unexpended
16 balance" means the remainder of an appropriation after
17 reserving for unpaid costs and expenses covered by binding
18 written obligations to third parties.

19 Section 2. GENERAL FUND AND OTHER FUND APPROPRIATIONS--
20 LIMITATIONS--REVERSIONS.--

21 A. Except as otherwise provided in another section
22 of this act, the unexpended balance of an appropriation from
23 the general fund or other state fund that has been changed in
24 this act shall revert to the originating fund as follows:

25 (1) for projects for which appropriations were
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1 made to match federal grants, six months after completion of
2 the project;

3 (2) for projects for which appropriations were
4 made to purchase vehicles, including emergency vehicles and
5 other vehicles that require special equipment; heavy equipment;
6 educational technology; or equipment or furniture that is not
7 related to a more inclusive construction or renovation project,
8 at the end of the fiscal year two years following the fiscal
9 year in which the appropriation was made for the purchase; and

10 (3) for all other projects for which
11 appropriations were made, within six months of completion of
12 the project, but no later than the end of fiscal year 2012.

13 B. Except as otherwise provided in another section
14 of this act, the unexpended balance of an appropriation made
15 from the general fund or other state fund to the Indian affairs
16 department or the aging and long-term services department for
17 projects located on lands of an Indian nation, tribe or pueblo
18 shall revert in a time frame set forth in Subsection A of this
19 section to the tribal infrastructure project fund.

20 C. For the purpose of this section, "unexpended
21 balance" means the remainder of an appropriation after
22 reserving for unpaid costs and expenses covered by binding
23 written obligations to third parties.

24 Section 3. STATEWIDE ASSET BUILDING AND INCENTIVES
25 FEASIBILITY STUDY--CHANGE TO NAVAJO MIDDLE SCHOOL SIGN--CHANGE

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1 AGENCY--EXTEND TIME--SEVERANCE TAX BONDS.--The unexpended
2 balance of the appropriation to the economic development
3 department in Subsection 2 of Section 10 of Chapter 429 of Laws
4 2003 for a statewide asset building and incentives feasibility
5 study shall not be expended for the original purpose but is
6 appropriated to the public education department to plan, design
7 and construct a sign for Navajo middle school in the Gallup-
8 McKinley county school district in McKinley county. The time
9 of expenditure is extended through fiscal year 2010.

10 Section 4. NATIONAL ATOMIC MUSEUM--EXTEND TIME--SEVERANCE
11 TAX BONDS.--The time of expenditure for the local government
12 division project in Subsection 52 of Section 22 of Chapter 429
13 of Laws 2003 for infrastructure design and installation at the
14 National Atomic museum in Albuquerque in Bernalillo county is
15 extended through fiscal year 2010.

16 Section 5. LOS ALAMOS MUSEUM ROMERO CABIN--CHANGE TO
17 HISTORIC ROMERO CABIN--GENERAL FUND.--The unexpended balance of
18 the appropriation to the local government division in
19 Subsection 202 of Section 45 of Chapter 347 of Laws 2005 for
20 improvements to the Los Alamos historical museum Romero cabin
21 in Los Alamos county shall not be expended for the original
22 purpose but is changed to plan, design and make improvements to
23 the historic Romero cabin in Los Alamos county.

24 Section 6. SECOND JUDICIAL DISTRICT COURT MONITORING
25 EQUIPMENT--CHANGE TO AFRICAN AMERICAN PERFORMING ARTS CENTER

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1 AND EXHIBIT HALL EQUIP--GENERAL FUND.--The unexpended balance
2 of the local government division appropriation originally
3 authorized in Subsection 31 of Section 45 of Chapter 347 of
4 Laws 2005 and reauthorized in Laws 2006, Chapter 107, Section
5 12 for monitoring and tracking equipment for the second
6 judicial district court shall not be expended for the original
7 or reauthorized purpose but is appropriated to the state fair
8 commission to purchase and install artwork, exhibits and
9 display equipment at the African American performing arts
10 center and exhibit hall at the state fairgrounds in Albuquerque
11 in Bernalillo county. The time of the expenditure is extended
12 through fiscal year 2010.

13 Section 7. ALBUQUERQUE-BERNALILLO COUNTY WATER UTILITY
14 AUTHORITY'S SOIL AMENDMENT FACILITY CONSTRUCT--CHANGE TO
15 ALBUQUERQUE SECOND CHANCE PROJECT--GENERAL FUND.--The
16 unexpended balance of the department of transportation
17 appropriation in Subsection 38 of Section 52 of Chapter 347 of
18 Laws 2005 and reauthorized to the local government division in
19 Laws 2006, Chapter 107, Section 5 to improve the Albuquerque-
20 Bernalillo county water utility authority's soil amendment
21 facility in Bernalillo county shall not be expended for the
22 original or reauthorized purpose but is appropriated to the
23 department of finance and administration for the second chance
24 project, a long-term substance abuse rehabilitation project at
25 the westside facility in Albuquerque, in that county.

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